

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**EL JALISCO MEXICAN GRILL
INC. OF ALABAMA, LLC**

Plaintiff,

v.

**SYSCO CENTRAL ALABAMA,
INC., SYSCO CORPORATION and
FICTITIOUS DEFENDANTS “A,”
“B,” and “C,”**

Defendants.

Civil Action No. 2:17-CV-505

**DEFENDANTS SYSCO CENTRAL ALABAMA, INC. AND
SYSCO CORPORATION'S UNOPPOSED MOTION
TO DISMISS WITHOUT PREJUDICE**

Defendants Sysco Central Alabama, Inc. and Sysco Corporation (“Sysco”), by and through counsel, respectfully moves the Court for voluntary dismissal of this cause of action. In support of this Motion, Sysco shows the following:

1. On June 26, 2017, Plaintiff El Jalisco Mexican Grill Inc. of Alabama, LLC (“Plaintiff”) filed a class action styled as *El Jalisco Mexican Grill Inc. of Alabama, LLC v. Sysco Central Alabama, Inc., and Sysco Corporation*, No. 2017-CV-900044, in the Circuit Court of Barbour County, Alabama, Eufaula Division (the “State Court Action”). See Class Action Complaint, attached as “**Exhibit A.**”

2. On June 29, 2017, Plaintiff filed a Notice of Dismissal in the Circuit Court of Barbour County, Alabama, Eufaula Division. *See* Notice of Dismissal, attached as “**Exhibit B.**”

3. The Circuit Court of Barbour County, Alabama, Eufaula Division, dismissed the State Court Action without prejudice.

4. Undersigned counsel for Sysco was unaware that the State Court Action was dismissed.

5. On July 27, 2017, Sysco filed a Notice of Removal (Doc. 1) to remove the State Court Action to this Court.

6. On July 27, 2017, undersigned counsel became aware that the underlying State Court Action was dismissed, thereby precluding a removal to this Court.

7. Counsel for Plaintiff does not oppose this Motion to Dismiss.

WHEREFORE, the Notice of Removal (Doc. 1) filed herein is withdrawn and Sysco respectfully requests that the matter be dismissed without prejudice.

Respectfully submitted, July 31, 2017.

/s/ Melonie S. Wright

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2017, I E-filed the foregoing document by using the Court's E-Portal filing system which will serve a copy on counsel of record:

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